



The Permanent Mission of Israel to the United Nations and other International Organizations in Geneva presents its compliments to the Special Procedures Branch of the Office of the High Commissioner for Human Rights, and has the honor to transmit Israel's response to Communication AL ISR 10/2024 from the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, which was previously sent to the Office on 10 December 2024.

The Permanent Mission of Israel to the United Nations and other International Organizations in Geneva avails itself of this opportunity to renew to the Special Procedures Branch of the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 18 December 2024





**THE STATE OF ISRAEL'S RESPONSE TO COMMUNICATION
AL ISR 10/2024 BY THE SPECIAL RAPPORTEUR ON TORTURE AND
OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR
PUNISHMENT DATED 16 MAY 2024**

Geneva, 10 December 2024

The State of Israel hereby submits its response to communication AL ISR 10/2024, addressing the claims and questions pertaining to the activity of the Israel Defense Forces (IDF), based on information provided by relevant authorities, as well as in relation to overarching issues that appear in the communication. Israel reserves the right to submit additional information at a later stage addressing claims and questions regarding detention under the responsibility of the Israel Prisons Service (IPS) that appear in the communication, subject to approval by the competent authorities.

It should be noted that the present document refers to a dynamic situation, and all data presented herein is accurate as of 18 November 2024, when the document was finalized and submitted to approval by the competent authorities.

General context

1. On October 7, 2023, under a barrage of thousands of rockets, thousands of militants from Hamas and other terrorist organizations in the Gaza Strip invaded Israeli sovereign territory by sea, land and air, attacking over 20 Israeli communities, military bases and the site of a music festival. What proceeded was the massacre, mutilation, rape and abduction of many, mostly civilians, including women and children. Some 1,200 people were butchered that day, thousands maimed, and more than 250 hostages abducted, including infants, women and entire families. In captivity, many were tortured, sexually abused, starved and some also executed. To this day, 101 hostages remain held in Gaza, exposed to torture and other cruel, inhumane and degrading treatment. Hamas has made it clear that it aims to repeat the October 7 massacre many times over.
2. Israel is fighting a war that was forced upon it by Hamas and other terrorist organizations in Gaza, with the goal of eliminating Hamas' military and governmental capabilities and returning all of the hostages to their homes and families. At the same time, Israel has been attacked from multiple other fronts, including Iran, Lebanon, Syria, Yemen and Iraq. It is this context, of an ongoing intensive war, in which the conduct of Israeli authorities needs to be assessed both factually and legally.
3. The October 7 attack and Israel's ensuing ground operation in the Gaza Strip resulted in the detention of thousands of individuals involved in terrorist activities, adding strain to Israel's already overcrowded penitentiary system. The surge in arrests of militants has required that the relevant State authorities address the issues stemming from the sharp and unforeseen influx in the number of inmates. The volatile security situation also resulted in the increase of the number of security detainees, including administrative detainees from the West Bank. Over 6,500 security detainees, both from the Gaza Strip and the West Bank, were added since October 7th, rising to a total number of nearly 23,000 inmates held in Israel Prison Service (IPS) facilities.
4. Specifically regarding the hostilities in Gaza, the detention of enemy militants is of paramount importance during an ongoing war. The detention of enemy militants has a crucial role in removing them from the cycle of hostilities, as

well as in gathering intelligence essential for the military effort and for the release of hostages unlawfully held in Gaza.

5. Individuals from Gaza who are involved in terrorist activities and detained in the context of hostilities, may be held in Israel in the penal law framework, allowing their criminal investigation and potential indictment, in accordance with Israeli law.
6. Alternatively, they may be held under the *Incarceration of Unlawful Combatants Law 5762-2002* ("UCL"). The UCL, which was enacted in 2002 and has been used since mostly during large-scale hostilities, provides a legal basis under Israeli law for preventive detention (internment) in the context of trans-boundary armed conflicts involving non-state armed groups. As such, the UCL allows the detention of persons who take part in hostilities against Israel or who are members of a force carrying out such hostilities, in cases where evidence shows that they – personally – pose an ongoing threat to national security. This, in order to remove them from the cycle of hostilities. The compatibility of the UCL with both Israeli law and with international law was confirmed by the Israeli Supreme Court in 2008.
7. Israel is fully committed to international legal standards regarding the treatment of detainees by law enforcement agencies and the Israel Defense Forces (IDF). This includes prevention of unwarranted use of force and ill-treatment.
8. Comprehensive oversight and review mechanisms, to which every relevant State authority is subject, are examples of such commitment, ensuring the prompt, thorough and meticulous investigation of every complaint regarding detention conditions and any complaint or report of torture, ill-treatment or excessive use of force, in accordance with the relevant international norms and standards. In addition to the mechanisms described below, Israeli Courts, and especially the Israeli Supreme Court, Israel's highest judicial instance, are authorized to engage in judicial review of all State activities, irrespective of the identity or nationality of the petitioner.
9. The rest of the current response is divided to two parts – the first addresses detention in facilities under IDF authority, in particular in the context of the Gaza Strip; and the second concerns recent developments with regards to the amendment of the UCL.

Detention in facilities under IDF authority

10. While apprehending and keeping detainees in custody in the context of the current war in Gaza and Israel, all IDF forces are subject to international and Israeli law, as well as to a myriad of binding military directives, procedures and orders. This military regulatory framework reflects the legal restrictions under international law and Israeli law that apply to IDF activity, as well as additional policy limitations imposed by the IDF.
11. The military regulatory framework includes, inter alia, comprehensive Standard Operating Procedure (SOPs) issued by the IDF Operations Directorate in 2016 concerning detention in the context of hostilities; numerous directives and SOPs of the IDF Military Police that implement and complement the 2016 Operations Directorate SOPs in relation to particular aspects of detention under the responsibility of the Military Police; as well as a number of directives and orders issued by the Operations Directorate, the IDF Southern Command and its subordinate units throughout the current war, that implement, clarify and stress the regulations in force.
12. The military regulatory framework in its entirety meticulously oversees the various facets of detention, including grounds for detention, treatment of detainees, material conditions of detention, legal procedures and related protections, as well as the transfer to other Israeli authorities or release.
13. Under IDF regulations, any abuse of detainees – including by way of inflicting violence, torture or cruel, inhuman or degrading treatment against them – is strictly prohibited. The IDF takes any violation of this prohibition, which stand in contrast to its values, with utmost seriousness, and thoroughly examines concrete allegations concerning the abuse of detainees.
14. The following paragraphs will describe the laws, regulations and policies in place concerning the detention process of individuals apprehended in the Gaza Strip and brought to IDF facilities in the context of the war; the treatment of detainees and conditions of detention; supervision mechanisms; and enforcement mechanisms.

The Detention Procedure in the IDF

15. IDF ground forces operate in active combat areas in the Gaza Strip against terrorist organizations which carry out military activity. As part of the ongoing hostilities, the IDF has detained individuals who were reasonably suspected of being involved in such activity.
16. The militants who belong to the terrorist organizations that operate in Gaza, embed themselves within the civilian surroundings and typically do not distinguish themselves from civilians. They wear civilian clothing during and between their operations against IDF forces and Israeli civilians in order to make it difficult for IDF forces to identify them. Therefore, when the IDF apprehends suspected individuals in combat areas, they are usually subjected to an initial screening by the forces, in order to assess if their detention and further questioning are necessary.
17. Due to the militants' tactics of concealing explosives and other weapons under civilian clothing and the need to ensure they do not pose an immediate threat to the ground force, there may be a need to search them, including by partial removal of clothing. Following security clearance, suspects are allowed to dress up again at the first opportunity available, considering the operational circumstances. Alternative clothing may be supplied to them by the IDF, in case their own clothing cannot be cleared for use. IDF regulations do not allow to undress detainees for reasons other than security reasons (or health-related reasons), and only for the time this is necessary. In cases where the search of female individuals is warranted, procedures require that the search be carried out exclusively by female soldiers, while fully preserving their privacy.
18. Following the initial screening in the field, suspects who are reasonably believed to be involved in terrorist activity or deemed to require further questioning, are brought into Israeli territory. When no justification is found to continue holding a person following questioning, they are released shortly. IDF protocols instruct to minimize as much as possible the time detainees are held in the field, pursuant to operational circumstances.
19. Once in Israel, the detainees are transferred to the IDF Military Police, and then regularly brought to the IDF detention facility in the military base of "Sde

Teiman", primarily intended for the purposes of questioning and classification of detainees before transfer to other detention facilities.

20. Upon arrival at the Sde Teiman facility, detainees undergo an orderly intake process, which includes identification and registration of personal details, a medical examination and deposition of personal belongings.
21. Based on intelligence and findings from questioning conducted after intake, all detainees are classified either as being reasonably believed to be involved in terrorist activities, or as those who are no longer suspected to be involved in such activities. Individuals in the latter category are transferred back to Gaza as soon as possible. The return to Gaza is carried out in coordination with IDF forces in the field to ensure the safety of the returned individuals, and when necessary, with the help of humanitarian organizations. Individuals from the first category are designated for transfer to the Israel Prison Service (IPS) as soon as practically possible.
22. As mentioned above, the IPS was already facing significant challenges of overcrowding on the eve of the war, which were exacerbated due to the numerous detentions carried out since the October 7th, 2023 attack in Israel and the subsequent IDF ground operation in the Gaza Strip.
23. This situation has resulted in individuals being held at "Sde Teiman" longer than initially intended until their transfer to IPS is made possible, as the Government of Israel stated before the Israeli Supreme Court in the context of a petition regarding alleged detention conditions in "Sde Teiman" brought before the Court (see elaboration below).¹
24. Against this background, in April 2024, the IDF started operating a new detention facility in "Ofar" military base (which is different and distinct from the IPS prison in "Ofar"), whose cells are designed for extended detention. The facility has been built with a substantial employment of resources, notwithstanding the ongoing war, in view of the decrease in the IPS' available capacity for additional detainees coming from IDF detention facilities. In parallel, there is an ongoing process of upgrading and expanding the facilities in the "Sde Teiman" detention facility.

¹ HCJ 4268/24 The Association for Civil Rights in Israel v. The Minister of Defense.

25. In addition, in July 2024, the Prime Minister directed an inter-agency endeavor to take necessary steps so that the "Sde Teiman" facility is used only for temporary short-term detention, as originally intended. The following bodies and ministries participate in the aforementioned endeavor: the Ministry of National Security, the IPS, the IDF, the National Security Council. In this regard, the Prime Minister instructed to formulate practical steps for the transfer of detainees held for extended periods of time from the "Sde Teiman" facility to other facilities. Among the steps taken were freeing detention spaces in IPS facilities, as well as further expanding the detention capacity in IPS facilities, so detainees could be transferred from IDF facilities to IPS facilities in accordance with the latter's responsibilities.
26. Since June 2024, "Ofer" is designated as the primary site where detainees are held by the IDF, accommodating several hundred detainees. In the "Sde Teiman" facility, from July 2024 up until last month there have regularly been no more than a few dozen detainees. Since then, the number increased due to a large-scale detention operation in Gaza, and the situation remains dynamic. It should be noted that since the early phases of the war and to this day, most of the Gazan detainees held in Israel are in IPS custody.
27. The "Ofer" detention facility and the "Sde Teiman" detention facility are the two main facilities where detainees from Gaza are currently held by the IDF, both of which are recognized facilities, declared as such under the UCL. The IDF holds detainees only in recognized detention facilities.
28. While originally the "Sde-Teiman" facility was planned for short-term detention, over the last months it has been undergoing significant construction works to adjust the conditions it provides for extended detention, with great financial investment of tens of millions of NIS. The first compound adjusted for extended detention in the "Sde Teiman" detention facility was opened in September 2024. Works are still ongoing, with a view to adapting detention conditions in the whole facility for extended detention.

Treatment of Detainees and Conditions of Detention in IDF facilities

29. On a general note, it should be noted that before the current war, for many years the IDF had not been regularly holding security detainees for extended periods. The war broke out with a complete surprise, and within a short time the IDF was required to handle a significant number of detainees from Gaza. Nevertheless, since the beginning of this war, the IDF has been employing vast resources in building, expanding and upgrading detention facilities, in acquiring additional relevant equipment, and in recruiting and training additional personnel, in order to ensure that all detainees under its custody are provided with adequate conditions of detention, as mandated under international and Israeli law, as well as IDF regulations. The current situation is transitory, and there are no plans for the IDF to permanently replace the IPS in its function of detaining security detainees for long periods.
30. IDF regulations require that all detainees be treated in a humane and respectful manner, at all times. They strictly prohibit violating the dignity of detainees or degrading them, inflicting violence (including sexual violence), torture, exercising collective punishment, offending religious beliefs, as well as other prohibitions and restrictions.
31. Among those restrictions, is a proscription of photographing detainees unless security reasons so necessitate. The IDF is aware of footage from combat areas of partially unclothed kneeling detainees, that was disseminated in media platforms. While temporarily keeping detainees in a restrained position in combat areas, following a security clearance that included partial disrobing, may be temporarily required for security reasons, taking such photos of detainees without a security justification as well as disseminating them is inconsistent with IDF regulations and policies, and was not done with authority. Promptly after being made aware of these photos, IDF commanders took corrective actions, stressing IDF orders on this matter, and certain cases were transferred for review by the Military Prosecution. As a result, these incidents became significantly scarcer.
32. With regard to material conditions, in accordance with IDF regulations, in all IDF detention facilities detainees receive three meals a day, based on a menu approved by an authorized nutritionist to ensure that detainees are provided with

food adequate to maintain their health, as well as full access to clean drinking water.

33. Detainees in the detention facilities are provided with a sleeping pad and blankets, and weather appropriate clothing. Most detainees have available bed frames where the sleeping pads can be placed, and works are underway to install additional bed frames that are stationed to the ground (for security reasons). The detainees' night sleep in the detention facilities is secured as part of the regular routine procedures in the facility, between 23:00 and 6:00 daily. They are granted the opportunity to pray. Detainees are not forced to sit in a certain position, as suggested in the communication.
34. In the "Ofer" facility, all detainees are held in cells akin to standard prison cells. In the "Sde Teiman" facility, part of the detention spaces are prison-like cells, and others are fenced and roofed perimeters. Detainees in all facilities are allowed regular access to adjacent toilet stalls, which are cleaned regularly in order to maintain hygiene and health, and they shower regularly.
35. Detainees are provided with ongoing medical attention throughout their stay in IDF detention facilities. Every detainee undergoes a medical examination as part of the intake process upon arrival to a facility. Additionally, the medical staff in the facility conducts daily medical lineup where each detainee has the opportunity to request medical care. Where needed, medical issues are addressed by on-site medical teams.
36. In cases that require advanced treatment, detainees are transferred to an external medical facility. Until recently, they were transferred to a designated medical facility located at the "Sde Teiman" military base. This facility, established in October 2023, was administered by the Israeli Ministry of Health and operated by professional medical teams (which included physicians, nurses etc.). The facility offered on-site medical services ranging from basic clinic treatment to advanced inpatient care. It was equipped for various drug administrations (including intravenous therapy), imaging services, basic laboratory services, and procedures conducted with local or general anesthesia. When patients' medical condition necessitated highly advanced types of treatment not available at the "Sde Teiman" designated medical facility, they were transferred to civilian hospitals in Israel. The ad-hoc medical facility was closed on October

2024. Today, detainees in IDF detention facilities who require advanced treatment are transferred to one of the civilian hospitals in Israel.
37. IDF regulations also require providing appropriate treatment to persons in more vulnerable situations, including women and children, inter alia by separating them from adult males in the detention facility, unless they are from the same nuclear family.
38. Among the detainees held in the military detention facilities there are highly skilled terrorist operatives who are considered highly dangerous. When handcuffs are used (depending on the level of risk presented by the individual and their state of health), there are various measures in place intended to prevent injuries resulting from handcuffs, based on lessons-learned. Among them, are a protocol requiring an ongoing individual examination with respect to each handcuffed detainee to make sure that the handcuffs are not too tight, and the employment of metal handcuffs whose level of tightness can be more easily controlled.
39. Claims regarding detention conditions in IDF facilities are regularly forwarded to relevant bodies in the IDF for review, with a view to addressing possible deficiencies. Generally, as in other war-related matters, challenges in this regard may stem from logistical gaps that need to be addressed, or from the need for clearer instructions – in which corrective actions are taken once the problem is identified.

Oversight Mechanisms

40. In order to ensure compliance with IDF regulations and applicable law, there are several oversight mechanisms in place, which supplement the direct supervision of the officers in command of IDF detention facilities over the facilities' routine operation.
41. **Internal administrative mechanisms.** Senior IDF officers, who are not part of the facility's staff, regularly conduct on-site inspections to evaluate the facility and the conduct of its staff, and assess whether it meets the required standards. They subsequently issue inspection reports indicating issues to correct or clarify. Furthermore, there is ongoing monitoring of the facility by closed-circuit television (CCTV) to ensure discipline and enhance the ability to track any potential deviations from the facility's mandatory procedures. In addition,

at the IDF's General Staff level, the IDF Operations Directorate holds weekly overview discussions over the status of detainees in IDF custody, with the participation of all relevant actors in the IDF.

42. **Official Visitor mechanism.** Please see elaboration below, under the part pertaining to recent amendments in the UCL.
43. **Special Advisory Committee.** On 28 May, 2024, the IDF Chief of General Staff appointed a special external advisory committee to review the conditions of detention, the treatment of detainees and the compliance with Israeli and international law, as well as IDF regulation, within all IDF detention facilities. The committee was headed by a retired District Court Judge who is also a former ██████████, and was also comprised of a retired ██████████ IDF Military Police, a retired ██████████ Medical Officer who has also served ██████████ of the Israeli Ministry of Health, a retired ██████████ of the IDF's International Law Department, and a retired ██████████ of the Israeli Government's Unit for Coordination of Government Activities in the Territories (COGAT). As part of its work, the committee interviewed dozens of officers, visited the IDF detention facilities in the "Ofer" and "Sde Teiman" detention facilities, and privately interviewed detainees. The committee concluded its work and submitted its final report to the IDF ██████████ on 22 July, 2024, and later on presented its recommendations to the IDF ██████████ ██████████ in a dedicated meeting. The IDF ██████████ ordered to implement the Committee's recommendations, and to hold periodic assessment meetings that will follow up on their implementation.
44. **Judicial Oversight.** One form of judicial oversight comprises of the right of every individual detainee held under a UCL internment order to challenge its legality in the Israeli civilian Court system (regardless of whether the incarceration physically takes place in an IDF or IPS facility), where they may also raise claims regarding the conditions of detention. A second form of judicial oversight is exercised by the Israeli Supreme Court, sitting as the High Court of Justice, to hear petitions on constitutional and administrative matters.
45. One such petition, which was filed on 23 May 2024 by five Israeli non-governmental organizations and that the Court decided on last September,

concerned alleged conditions of detention in the "Sde Teiman" facility.² In their response to the Court, the State authorities stated that the detention facility in "Sde Teiman" is an organized and supervised facility that operates lawfully, contrary to the factual picture argued before the Court by the petitioners. The State authorities did clarify that from a certain point in time, detainees were held in "Sde-Teiman" longer than originally intended, and specified the measures they have taken (also prior to the filing of the petition) and further intended to take, in order to return the facility to its original purpose.

46. As part of the response, the State authorities laid out in detail the conditions of detention in the facility, and how they comply with the law. The State authorities also noted that if certain gaps exist with regard to specific issues addressed under the UCL's regulations (in this context, the response noted the obligation in the UCL's regulations to allow each detainee daily access to physical exercise in the open air, the implementation of which depended on adequate secure infrastructure)³, they are not at the core of legal protections required to maintain the detainees' health and dignity as required by the UCL itself, and noted that in any event, the relevant authorities have been in the process of addressing such potential issues.
47. More broadly, during the period in which the case had been pending before the Court, the Court required the State authorities to provide regular updates on the advancement of their efforts to transfer detainees to other facilities, concurrently with their efforts to adjust the conditions in "Sde Teiman" for extended detention for the benefit of future detainees that may be brought to the facility.
48. In its final judgment from 18 September 2024, the High Court of Justice accepted the petition in principle, in the sense that the Court stated that detainees held under the UCL must be held in full accordance with the law's requirements regarding their conditions of detention – even in times of exigent circumstances. The Court stressed it is not making any factual determination on the detention conditions in the facility in hindsight, given its decision to tie the resumption of the facility's operation with meeting the law's requirements and since the petition was forward-looking, as well as in light of the developments in the

² HCJ 4268/24 mentioned above.

³ Another gap that was mentioned in the response concerned ICRC visits, but it was not addressed in detail in the current proceeding since this issue was the subject of another petition which was (and still is) pending before the Supreme Court.

facility the State presented throughout the proceeding. The Court also reminded that even if the State would seek to amend the UCL's regulations regarding conditions of detention, the regulations would still have to comply with international humanitarian law, as explicitly expressed in the UCL itself.⁴

49. After the issuance of the decision, the construction works in the "Sde Teiman" facility have resumed, enabling the opening of additional new compounds designed for extended detention and new open-air courts for physical exercise.

50. During the war, a number of other petitions were brought before the High Court of Justice concerning detention issues, some of which are still pending.⁵

Enforcement Mechanisms

51. Allegations of systemic abuse of detainees in IDF custody are false, including on the matters mentioned in the communication. Such allegations are inconsistent with IDF directives, procedures, orders and policies, and do not reflect the reality on the ground. There may be exceptional gaps and cases of deviation from protocol. There have also been known instances of death of detainees held in IDF custody, including of detainees who came wounded from the battlefield or who arrived with existing medical conditions.

52. The IDF addresses specific allegations of mistreatment or abuse of detainees, which are contrary to its values, with utmost seriousness, and thoroughly investigates such allegations. The claims may emerge from complaints on behalf of detainees or their legal representatives, internal reporting of soldiers and commanders within the IDF, reporting by medical personnel, UN or NGO reports, as well as media reports. It should be noted that the vast majority of complaints presented in media reports – typically presented by previously-held detainees that were released and have already returned to Gaza – are not matched by a formal filing of complaints within the IDF, but they are nevertheless seriously examined.

⁴ The decision (in Hebrew) can be found at: <https://supreme.court.gov.il/Pages/SearchJudgments.aspx?&OpenYearDate=2024&CaseNumber=4268&DateType=1&SearchPeriod=8&COpenDate=null&CEndDate=null&freeText=null&Importance=null&CaseMonth=null>

⁵ For example: HCJ 1537/24 *The Association for Civil Rights in Israel v. The Government of Israel*, regarding ICRC visits to detention facilities in Israel; HCJ 1414/24 *The Public Committee Against Torture in Israel v. The Knesset*, regarding the temporary provisions concerning time periods under the UCL.

53. Generally, in the IDF, the █████ orders the opening of criminal investigations whenever there is prima facie evidence to substantiate reasonable suspicion of criminal misconduct by soldiers that justifies the opening of a criminal investigation. The █████ is subject only to the rule of law and operates with complete professional independence. In relation to reports or complaints that do not indicate a prima facie reasonable suspicion of criminal misconduct, a preliminary factual assessment would be carried out, to determine whether a criminal investigation or other measures are warranted.
54. Criminal investigations concerning the treatment of detainees in IDF custody, are handled by the specialized National Unit for Operational Affairs of the Military Police Criminal Investigation Division (MPCID). This Unit, which was established in 2017, consists of experienced officers and investigators who undergo in-depth training on international law and operational affairs. The Unit is also tasked with investigating alleged misconduct by IDF soldiers in the context of operational activity. It is guided by the IDF █████ and enjoys professional independence.
55. Upon the conclusion of a criminal investigation, the MPCID hands the investigation file with the evidence that was gathered to the IDF █████. The █████ is responsible to decide whether to file an indictment or to close the case, and may also suggest commanders to carry out disciplinary proceedings or impose other command measures against those involved.
56. The █████ decisions are subject to the scrutiny of the civilian judicial system. Thus, her decisions regarding whether to file indictments may be challenged before Israel's Attorney General and, as any other decisions by State authorities, are subject to judicial review by Israel's High Court of Justice.
57. In the context of the treatment of detainees in IDF custody, the █████ policy is that every concrete allegation of abuse triggers the opening of a criminal investigation by the MPCID. Similarly, a criminal investigation is opened by the MPCID in each death case of a detainee in IDF custody.
58. Since the beginning of the war until today, the MPCID has launched 52 criminal investigations regarding the treatment of Gazan detainees in Israeli territory or on the way to Israeli territory. The vast majority of these investigations are still ongoing. In the case of one investigation that was concluded, the █████ has filed a criminal indictment against a reserve IDF soldier, accusing him of committing

acts of violence against detainees he accompanied while they were transported in a vehicle outside the "Sde Teiman" detention facility.

59. In another case, the MPCID initiated a criminal investigation following a report by a commander at the "Sde Teiman" facility, regarding a detainee who was hospitalized due to bleeding and fractured ribs. On July 29th and 30th, 2024, ten reserve soldiers were detained at the facility and later arrested, following suspicions of severe abuse against the said detainee. Five of them remained under arrest for two weeks, and later released to their homes under restricting conditions. During their arrest extension hearings, the court stated repeatedly that substantial evidence, including forensic evidence, supporting the allegations against the soldiers, were presented by the Military Prosecution. The suspects recently went through administrative hearings in the ██████ Corps before deciding on filing indictments against them. In parallel, the quick-response intervention force these soldiers belong to ("Force 100"), which was established during the war and that consists of reserve soldiers, is now in the process of disassembling and replacement by a newly-established intervention force.
60. Additional general information on the manner the IDF addresses alleged misconduct in the context of the current war in Gaza can be found at the IDF website.⁶
61. In parallel to enforcement in the IDF's criminal justice system, administrative command measures are taken against individual soldiers in all appropriate cases, including in the form of dismissal from their military position.
62. To put in perspective the relative scope of the exceptional incidents that are subject to investigations, it should be stressed that over 5,500 detainees from Gaza have passed through IDF detention facilities over more than a year of a very intensive war.
63. It should also be recalled that various issues surrounding the current war have been the subject of disinformation and misinformation campaigns, including by Hamas and the other terrorist organizations. This is said without prejudice to the utmost seriousness with which the IDF takes every complaint addressed to it.

⁶ <https://www.idf.il/en/mini-sites/military-advocate-general-s-corps/addressing-alleged-misconduct-in-the-context-of-the-war-in-gaza/>.

Ad-hoc Inter-Agency Mechanisms

64. Since October 7, 2023, the [REDACTED] in Israel's Ministry of Justice has been holding periodic meetings with senior representatives of relevant authorities in order to review data regarding the examination of claims of ill treatment against security detainees by all existing supervision and review mechanisms in the IPS, IDF and the ISA. This is done in order to further enhance the existing mechanisms.
65. During these meetings, the relevant authorities provide the Ministry of Justice with updated statistics and data regarding the amount, number and nature of complaints received and their status.
66. Additionally, the [REDACTED] has been convening a designated forum with all the relevant investigating bodies, in order to better coordinate and streamline their investigations of ill-treatment of security detainees since October 7.

Recent Amendments to the UCL

Background – Aspects in the UCL procedure

67. As noted before, the UCL was enacted in 2002 and, until the current war, has been applied with regard to several dozen individuals. It provides a legal basis under Israeli law for preventive detention (internment) of terrorist operatives involved in fighting against Israel in the context of a trans-boundary armed conflict, with the purpose of removing them from the cycle of hostilities.
68. A person may be interned under the law if there is a reasonable basis to believe that they participated in hostilities or are a member of a force conducting such hostilities and also that their release would harm the State's security. Additionally, a precondition to applying the law is that the person does not fall under the definition of a "prisoner of war" under international humanitarian law. The UCL requires establishing that the person in question poses an ongoing individual threat, and sets out a multi-phased process, including procedural safeguards to avoid unjustified detention.
69. **Temporary detention and internment order:** At the beginning of the detention process, an authorized officer may issue a temporary detention

warrant against a suspected detainee, if there is a reasonable basis to believe that the person in question participated in hostilities or is a member of a force as described above. During the temporary warrant's duration, a senior authorized officer shall decide whether to issue an internment order, following an administrative hearing of the detainee and an examination of the evidentiary material.

70. **Mandatory judicial review:** If an internment order is issued, its legality shall be automatically reviewed by a civilian District Court, and that Court's decision is subject to appeal to Israel's Supreme Court. If the order is upheld, and as long as the internment is not revoked by the authorities, a periodic judicial review must be conducted, while not exceeding six months between each review. The Court reassesses whether the risk posed by the person still justifies the continued internment, and its decision is also subject to appeal before the Supreme Court. The Courts shall cancel an internment order if they found that the conditions for its legality were not met. During reviews, the Courts are exposed to the complete information on the detainee's case, including classified material.
71. **Meeting with legal counsel:** The law grants the detainee a right to meet with a legal counsel, which may be postponed for limited and predefined timeframes for reasons of national security or to save human lives, subject to conditions laid out under the law. Any decision on postponement is subject to a right of appeal to a Court.

Developments since October 7, 2023

72. During the ongoing war against Hamas and the other terrorist organizations in the Gaza Strip, unprecedentedly, thousands of detainees involved in hostile activities have been detained under the UCL. Due to these circumstances, temporary provisions modifying the UCL were introduced in order to enable processing the large volume of detentions, carry out the necessary hearings and interrogations, while keeping with the protections and safeguards established by the law.
73. Thus, temporary provisions extended the timeframes for the administration of some procedural safeguards under the law, as will be described below. Throughout the war, considering both the exigent circumstances and the importance that Israel attributes to the core right to due process, those time

periods have been periodically reviewed, evaluated and adjusted, in order to comply with the principle of proportionality. On July 28, 2024, in light of the changing circumstances and their periodic reevaluation, including the relative decrease in the pace of incoming new detainees from Gaza in comparison to previous intensive periods in the war, the periods for the administration of procedural safeguards have been shortened under the new temporary provision adopted by the Knesset.⁷ This new temporary provision came into force on 1 August 2024.

74. **Temporary detention warrant:** Under the temporary provisions previously in force, the duration of a temporary detention warrant (which applies before the issue of an internment order) has been limited to a maximum of 45 days from a person's arrest under the UCL. From 1 August 2024, this period is reduced to 30 days.
75. In this regard, it is noted that the claim in the communication that the UCL allows (or has allowed) the IDF to detain individuals for up to 45 days without a warrant is incorrect, since a temporary detention warrant or an internment order is always required in order to detain individuals under the UCL.
76. **First judicial review of the internment order:** Under the temporary provisions previously in force, the maximal timeframe until a person was brought to the first judicial review if an order is issued, has been limited to a maximum of 75 days. From 1 August 2024, this period is reduced to 45 days.
77. **Special provisions related to minors:** According to the latest temporary provision, the exercise of authority under the UCL in relation to a minor shall be done with a proper consideration of their age and maturity. A temporary detention warrant in relation to a minor under this law shall not exceed 20 days, and be subject to a judicial review within 30 days from the time of detention under the UCL.
78. **Postponement of meetings with legal counsel:** while the war is still ongoing, with IDF ground forces operating inside Gaza and 101 hostages are still held in Gaza, in many cases there is a clear security necessity to prevent the transmission of messages from detainees to the terrorist organizations in Gaza

⁷ As mentioned above, this matter is the subject of a pending petition before the High Court of Justice on the legality of the temporary provisions. See: HCJ 1414/24 The Public Committee Against Torture in Israel et al v. The Knesset et al (pending).

through their legal counsels – messages that pose danger to human life and to Israel's national security. On this background, under the temporary provisions previously in force, the right to meet a counsel applied 30 days from the person's detention under the UCL, and could have been postponed by a senior executive order to a total of 75 days from the person's detention under the UCL; and it could have been further postponed by a District Court order, to a total of 90 days from the person's detention under the UCL (or 180 days under the provision that was in effect before 19 April 2024). From 1 August 2024, the right to meet a counsel applies 21 days from the first day a person is held under the UCL. The period of a postponement by a senior executive order is reduced to 45 days from the first day of detention under the UCL, and the District Court can postpone it to 75 days from the first day of detention under the UCL.

79. **"Official Visitor" mechanism:** Additionally, the latest temporary provision includes the incorporation of an Official Visitor mechanism in IDF facilities (similar to a longstanding mechanism employed in the IPS detention facilities), in order to further enhance the supervision over detention facilities under the authority of the IDF by adding a new layer of external oversight. In this framework, the Minister of Defense shall appoint Official Visitors to military detention facilities. Additionally, Chairpersons of relevant Knesset Committees, Supreme Court Judges, the Attorney General and the Military Advocate General will be granted authorities of Official Visitors in relation to all military detention facilities, as well as District Court Judges with regard to facilities within their jurisdiction. Official Visitors shall be authorized to enter military detention facilities (unless special circumstances apply temporarily), inspect the state of detention conditions and privately talk to detainees. Detainees in the facility shall be able to request the facility's director for an interview with an Official Visitor. Following every visit, the Official Visitors shall prepare a report regarding the visited facility and any deficiencies observed there, including suggestions for their remedy. After obtaining the position of the IDF regarding any such deficiencies and their remedy, the final Official Visitors' report shall be submitted to the Minister of Defense, the Chief of the General Staff, the Attorney General, the Military Advocate General and to the Chairman of the Knesset Foreign Affairs and Defense Committee. The Law added reporting duties regarding the implementation of this mechanism. The new

"Official Visitor" mechanism has started operating in practice, and inspections have been carried out accordingly in the "Ofer" and "Sde Teiman" detention facilities. Part of the inspections were carried out by judges from the District Court in Be'er -Sheva, which is the Court where individual judicial reviews of detention of Gazan detainees are regularly held.